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BOARD MEETING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD

JOE SERNA, JR., CALEPA BUILDING
1001 I STREET
2ND FLOOR
CENTRAL VALLEY AUDITORIUM
SACRAMENTO, CALIFORNIA

TUESDAY, NOVEMBER 9, 2004

9:30 A.M.

TIFFANY C. KRAFT, CSR, RPR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 12277

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

BOARD MEMBERS

Rosario Marin

Linda Moulton-Patterson

Rosalie Mul

Michael Paparian

Cheryl Peace

Carl Washington

STAFF

Mark Leary, Executive Director

Julie Nauman, Chief Deputy Director

Marie Carter, Chief Counsel

Bob Fujii, Supervisor, Tire Remediation & Engineering
Technical Services

Toni Jiminez, Executive Assistant

Jill Jones, Staff Services Manager I

Chris Kinsella, Staff

Jim Lee, Deputy Director

Howard Levenson, Deputy Director

Pat Schiavo, Deputy Director

Steve Uselton, Supervisor, Los Angeles Assistance Section

ALSO PRESENT

Steve Burrell, City Manager, City of Hermosa Beach

Evan Edgar, CRRC

Mark Murray, Californians Against Waste

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

1 PROCEEDINGS

2 CHAIRPERSON MARIN: Good morning, everyone.

3 Toni, would you please call the roll?

4 EXECUTIVE ASSISTANT JIMINEZ: Moulton-Patterson?

5 BOARD MEMBER MOULTON-PATTERSON: Here.

6 EXECUTIVE ASSISTANT JIMINEZ: Mulé?

7 BOARD MEMBER MULÉ: Here.

8 EXECUTIVE ASSISTANT JIMENEZ: Peace?

9 BOARD MEMBER PEACE: Here.

10 EXECUTIVE ASSISTANT JIMINEZ: Paparian?

11 BOARD MEMBER PAPARIAN: Here.

12 EXECUTIVE ASSISTANT JIMENEZ: Washington?

13 BOARD MEMBER WASHINGTON: Here.

14 EXECUTIVE ASSISTANT JIMINEZ: Marin?

15 CHAIRPERSON MARIN: Here.

16 Thank you. We have a quorum. Everybody is here.

17 I'm going to ask Ms. Linda Moulton-Patterson if

18 she would lead us in the pledge.

19 (Thereupon the Pledge of Allegiance was

20 recited in unison.)

21 CHAIRPERSON MARIN: Thank you.

22 Well, how about we start with our Board members'

23 reports.

24 We have a very small agenda, actually. That's

25 why we don't have a lot of people in the public, so I

1 don't have to remind everyone to turn off their cells.

2 And there are speakers if anyone wants to address
3 the Board. We actually have public input at the very
4 beginning of the Board meeting. And so if anyone wants to
5 address the Board on any issue not related to the agenda
6 during the public input period, that would be the time to
7 do that. Just make sure you fill out a form and give it
8 to Toni. She'll bring it up to me, rather.

9 With that, we are going to go into Board member
10 reports. Ms. Moulton-Patterson.

11 BOARD MEMBER MOULTON-PATTERSON: Thank you very
12 much. I don't have a whole lot to report, since I was on
13 vacation this month. But I did want to mention I went to
14 France for my vacation. It was wonderful.

15 But the reason I bring it up is it was a vacation
16 for me but a study trip for my husband with former members
17 of Congress. So we got to meet with members of the
18 National Assembly and the Ambassador and some people, and
19 everyone -- everyone wanted to talk to me about waste to
20 energy.

21 So I just wanted to say thank you to Howard and
22 Patty and Fernando and all those people that have done
23 such great work on that, so I could at least have a
24 somewhat intelligent conversation with them. But they
25 were very, very interested in what we're doing and, you

1 know, feel that this is the wave of the future and all.

2 And I just wanted to let you all know that your work is

3 really important. And everybody is very, very interested

4 in it. So that's all I have to report.

5 CHAIRPERSON MARIN: Thank you. And we're so

6 happy to see you back. Par le vu france, huh. How do you

7 say "welcome back" in French? I don't know. We're very

8 happy to see you.

9 The next Board member would be Cheryl Peace.

10 BOARD MEMBER PEACE: Okay. This month I Chaired

11 a second Special Waste Committee Workshop on the Five-Year

12 Tire Plan in Southern California. We had some good

13 comments and some very good discussions on everything on

14 how much money to put into research to do we continue to

15 fund the Commercialization Grant. I would like to thank

16 Chair Marin and Board Member Paparian for joining the

17 Special Waste Committee. Their input added to the

18 discussions and was very much appreciated.

19 I also spoke to the Rubber Pavement Associations

20 Workshop at the University of Redlands.

21 And last week I met with Caltrans Deputy Director

22 Randy Iwasaki and representatives from the Southern

23 California RAC Tech Center to discuss some ways to

24 increase the uses of RAC and to clear up some concerns we

25 had in regards to our contract with Caltrans. That went

1 very well. They've already gotten back to us, from what I
2 understand, on some of the questions we had. So I figured
3 that's good. We're making some progress.

4 So that concludes my report.

5 CHAIRPERSON MARIN: Thank you so very much. That
6 was a very good meeting that we all attended. I'm sure
7 everybody else will say that. You did a great job.

8 Next, Ms. Mulé. You had a pretty busy month as
9 well.

10 BOARD MEMBER MOULTON-PATTERSON: Ms. Marin, may I
11 say something on that point?

12 CHAIRPERSON MARIN: Sure.

13 BOARD MEMBER MOULTON-PATTERSON: You were talking
14 about the public hearing in Diamond Bar. And I did want
15 to, for the record, somebody -- I don't know who this guy
16 is -- but said that I couldn't travel 20 minutes from
17 Huntington Beach to attend, and actually, I was 9,000
18 miles away on a long-scheduled vacation. So I just wanted
19 to mention that for the record. I was sorry I couldn't
20 attend, but I wasn't 20 minutes away.

21 BOARD MEMBER PEACE: And also for the record, she
22 did attend the one up here in Sacramento. And her
23 advisor, Bonnie Bruce, was there in her absence.

24 BOARD MEMBER MOULTON-PATTERSON: Thank you.

25 CHAIRPERSON MARIN: That's a very good point,

1 because we all know that had you been here, you would have
2 been there. We know that. Thank you for making that
3 clarification.

4 Ms. Mulé.

5 BOARD MEMBER MULÉ: Thank you, Madam Chair. Yes,
6 I did have a busy month.

7 On October 18th, I attended the public hearing on
8 the Disposal Reporting System Regulations here in
9 Sacramento. Also toured the Hewlett-Packard plant, their
10 recycling plant up in Roseville. Very interesting.

11 I have been very involved with our Plastics
12 Division staff members in a series of meetings. One
13 October 12th on collection infrastructure issues. The
14 other one was on the 27th of October, the same day that
15 you had your meeting in Diamond Bar. I was up here
16 Chairing the Plastics Trash Bag Report Meeting. And then
17 a third meeting, which was held on November 3rd, on the
18 Film Industry's Environmental Resolution Report. So a lot
19 of activity with the Plastics Group.

20 And I just want to thank our staff with all of
21 their work with that. They've been doing a great job of
22 just trying to pull together all these stakeholders and
23 coming up with some resolutions and solutions to some of
24 the issues that we're addressing with plastics.

25 On October 20th, we toured Schafer Cart Systems

1 with several of our marketing staff. And, again, that was
2 a very interesting tour down in Lodi.

3 On October 21st, I attended the Rural Counties
4 Environmental Services Joint Powers Meeting right here in
5 Sacramento.

6 On October 28th, I was a speaker at the Waste
7 Futures Summit in Los Angeles.

8 Also then the next day I toured San Diego's
9 Miramar Landfill and Allen's Recycling Center.

10 On November 4th, I was the opening speaker at the
11 Southern California Waste Management Forum Conference in
12 Anaheim. And, again, I want to thank Matt for his
13 involvement in the forum. You did a great job at your
14 session on e-recycling. And also to Fernando Burton who
15 gave a fabulous presentation on conversion technologies.

16 And then last Friday, November 5th, I was a
17 speaker at the Enviro Fair in Del Mar, San Diego County.

18 That concludes my report. Thank you, Madam
19 Chair.

20 I can't wait. November 4th, the evening was a
21 very special evening, as I attended the La Montana public
22 meeting. And Rosario will probably give us a little bit
23 more detail on that. But I have to tell you, all I can
24 say, I was so glad I was able to be there and to hear and
25 see and be a part of what is a long journey that seems to

1 now finally be coming to closure. Thank you, Madam Chair.

2 CHAIRPERSON MARIN: Thank you, Ms. Mulé. It was
3 so nice to see you there as well. I know you keep
4 yourself very, very busy. We're all so happy and grateful
5 for that.

6 Mr. Paparian, you also had a pretty busy month.

7 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

8 On October 15th, I visited the Highway 59
9 Landfill where they have a very innovative dairy manure
10 green waste composting demonstration project going on.
11 It's been very successful. They're dealing with an
12 increasing problem that we're seeing with waste from the
13 dairy industry.

14 On October 19th, I spoke at the East Scrap
15 Conference in Minneapolis regarding our e-waste laws.
16 People were very interested in what's going on in
17 California. There's a lot of stuff going on around the
18 country. But really only two states have really stepped
19 forward to implement aggressive state programs. They're
20 California and Maine. Maine has a manufacturer
21 responsibility law, a little bit different approach than
22 ours. And they're about a year or two behind us in
23 implementation. So we're really still way out at the
24 forefront nationwide with the e-waste legislation.

25 I attended the Biofuels Trade Show and Workshop

1 on October 26th. I know Fernando was there giving a
2 presentation. Unfortunately, I couldn't be at the session
3 he presented at, but I hear it was excellent.

4 I attended the RMDZ Administrators Workshop in
5 Santa Rosa where Chair Marin gave a very inspired speech
6 to the gathered group.

7 Five-Year Tire Plan Workshop has already been
8 mentioned.

9 The La Montana, I agree. It really made me feel
10 good about being part of this Board when I would see the
11 community reaction to what we're going to be able to
12 accomplish in Huntington Park in the cleanup of La
13 Montana. And I also appreciated, Madam Chair, seeing some
14 of the -- at least one of the special eating
15 establishments in Huntington Park, which we hope will
16 franchise itself to Sacramento.

17 Yesterday, I spoke at the E-Waste Exports
18 Workshop sponsored by the Silicon Valley Toxics Coalition
19 and the Basel Action Network where they were discussing
20 some of the issues associated with the potential export of
21 both usable computer products as well as some of the
22 e-waste that's affected by our legislation.

23 And then, finally, Madam Chair, I know she
24 doesn't want too much notice and I think Mark may mention
25 something in a few minutes, too, but I want to thank Jill

1 Jones for the outstanding work that she's done here at the
2 Board. She's assisted my office in a number of ways.
3 She's assisted the Board in a number of ways. And if you
4 don't know, she's moving on to another position with the
5 community colleges.

6 She was really instrumental in helping us keep
7 our CalePA EMS project on track. She's shown patience
8 through her work with the Steering Committee and now the
9 Core Team leaders. She's been able to quickly assess what
10 needs to be done. She doesn't get bogged down by some of
11 the ambiguity that often occurs in the meetings that we
12 have here in this building, but really helps keep us on a
13 path towards progress.

14 I want to express my really deep heartfelt
15 appreciation for Jill's efforts, for her support, for her
16 enthusiasm in all these processes we've been going
17 through. And speaking for my staff also, we're going to
18 miss Jill Jones very much.

19 And thank you, Jill. I know you didn't want too
20 much recognition, but I tried to keep that short. I could
21 go on and on singing your praise. So thank you for your
22 good work.

23 CHAIRPERSON MARIN: Thank you. And we'll have
24 something a little bit later on, but that's okay.

25 Mr. Washington, you also had a nice month for us.

1 BOARD MEMBER WASHINGTON: Thank you, Madam Chair,
2 I did.

3 And, again, I really enjoyed the Waste Tire
4 Meeting on the Five-Year Plan. Again, Chair Peace, you've
5 done an excellent job at bringing this issue forward for
6 the state of California and certainly for the Integrated
7 Waste Board. And I want to thank her for all the efforts
8 she put into dealing with this whole issue of tires and
9 what should happen with tires. And sometimes I sit back
10 and reflect and think about all the tires that are out
11 there and how we could divert them from our landfills.
12 And it's really a tough issue to deal with. She's really
13 done a fabulous job at doing that.

14 And then I had a chance, Madam Chair, to visit
15 the CRM in Compton. I've been trying to get there since
16 I've been on the Board and finally made it over. And I
17 tell you, those guys are really doing a great job over
18 there with their crumb rubber and really trying to make a
19 difference in the state of California. They're very open.
20 I like the attitude of the staff and the executive team
21 down there. They're really doing a great job with their
22 crumb rubber.

23 And let me apologize, Madam Chair. I saw you on
24 the 4th, and I told you I'd be at the La Montana, but I
25 got stuck up here. As I stated before, I was dealing with

1 that when I was with Supervisor Burke's office. And so
2 it's been years, and I'm so delighted that we are coming
3 to a point. Todd and those guys have given me some great
4 training in driving those big bulldozer trucks. So as
5 soon as we're ready to start work, I'm going to get in one
6 of those trucks and help dump some of that crap out of the
7 city. And, again, I appreciate the work that you're doing
8 with La Montana. Thank you, Madam Chair.

9 CHAIRPERSON MARIN: Thank you, Mr. Washington.

10 As a matter of fact, I would just tell you just
11 so that you know, most likely it looks like in two weeks,
12 two weeks and a half we will have the first trucks rolling
13 out of there. And so all of your offices will be invited
14 to attend. We will have a press conference at that time.
15 We want to be there when the first trucks roll out. And
16 as soon as we have a date -- I don't know whether we're
17 taking applications for anybody that wants to drive a
18 truck.

19 BOARD MEMBER WASHINGTON: John, are you going to
20 help me get one of the trucks to drive?

21 CHAIRPERSON MARIN: The contractor is going to
22 have to increase his liability but -- no. Howard, you're
23 going to make a presentation later on about that, or Jim
24 Lee, or who's going to do that?

25 DEPUTY DIRECTOR LEVENSON: Mark.

1 CHAIRPERSON MARIN: Mark.

2 But anyways, I just want to give you all notice
3 that as soon as we have the date as to when the contractor
4 will start, that your offices will -- all of you will be
5 invited to attend. And I think it will be really great
6 for all of us.

7 Everybody has mentioned I attended the RMDZ Waste
8 Prevention -- Zone Administrators meeting. It was really
9 wonderful. I think those administrators -- for those of
10 us that were there, it was really neat to see them all
11 fired up.

12 And I did make a mention, Mr. Washington, that
13 this would have been a unanimous, had the bankers been
14 from California. So they appreciated the support from the
15 entire Board.

16 And I think that, you know, actions speak louder
17 than words. And I think that all of the loan
18 administrators now know that we stand behind them in their
19 efforts and fully support that program just based on our
20 vote.

21 I did go and visit the Industrial C&D MRF in
22 Santa Rosa.

23 And I did attend a meeting with all of the BDOs
24 that our ex-secretary put together on the 4th of November.
25 It was really interesting, because at that point in time

1 he mentioned that there were a lot of rumors, but he
2 didn't know. And then the next day they announced that
3 he's going to be the Cabinet Secretary for the Governor.
4 And I just think that is fabulous for all of us, you know,
5 to have him within earshot of the Governor. I think it's
6 magnificent for all of us. And I know we will be very,
7 very grateful as an industry and as the environmental
8 groups and everybody that he's going to be having such an
9 important role in California.

10 And the La Montana, we talked about that.

11 And then yesterday we went to visit a couple of
12 landfills. One is the West Contra Landfill -- is it West
13 Contra Costa? Yes, West Contra Costa Landfill, and the
14 Marin Resource Recovery in Richmond, and the Potrero Hills
15 Facility.

16 So I had a pretty busy month. I enjoyed it very,
17 very much. And I tell you, I get so excited, just like
18 the former Chair. It is so wonderful what we do. I get
19 very excited, you know, not just work of the Board itself,
20 but of the people. And when we talk about how we bring
21 all of these different constituencies together, when
22 there's industry and environmental groups and the
23 nonprofit organizations and, you know, we have the same
24 goal. And that this Board brings it all together and our
25 staff does a marvelous job. You know, there are some

1 glitches here and there. But at the end of the day, you
2 know, the result of the programs that we espouse, what we
3 are advancing and the philosophies we're advancing make
4 California really a greater place to live. And that we
5 play a role in that is just really -- to me, it's very
6 humbling, but I think it's very gratifying. And I know I
7 speak for every single Board member, thank you for the
8 opportunity to do this great work.

9 Okay. With that, Mr. Executive Director, Mark
10 Leary, you have a small report.

11 EXECUTIVE DIRECTOR LEARY: Well, there is so much
12 good news to go around, I'm not sure how small I can keep
13 it, Madam Chair. But good morning, Members.

14 Several of you have touched on, of course, the
15 very successful public meeting that occurred in La
16 Montana. I'd like to get some of the details into the
17 record.

18 But before I do, I want to express the
19 appreciation of staff -- on behalf of the staff of the
20 leadership and support that we've gotten from all of you,
21 particularly our past Chair Linda Moulton-Patterson, who
22 with laser-like focus would ask me about what's going on
23 with La Montana every other week. And our current Chair,
24 of course, Rosario Marin, who I understand did a fabulous
25 job moderating the meeting, was in front of your people

1 and made good things happen. So on behalf of the staff,
2 we appreciate your support.

3 There was a great turnout, as you know, of
4 approximately 75 people attending, primarily from the
5 local neighborhood. And they're very happy that the Board
6 is going to be moving the mountain. Communities for a
7 Better Environment lauded the value of the community health
8 and safety plan, calling it a model plan. And staff will
9 be following up on good suggestions from the community for
10 reporting and monitoring results, including web-based
11 reporting.

12 A representative of the Board's contractor, AJ
13 Diani Construction, provided information concerning
14 project needs for temporary employees and confirmed his
15 company's policy to use available qualified local union
16 labor. The project will start next Monday, November 15th,
17 and take until early March to fully complete. A press
18 event is being planned for the first truck removal of
19 debris from the site expected next Wednesday or Thursday.

20 The dedication and persistence of the Board staff
21 on this project has been truly outstanding and is
22 attributable to our leadership by our members. And the
23 project is a further example of the Board's emphasize on
24 promoting environmental justice.

25 I'd also like to remind everyone of the upcoming

1 6th Annual Environmentally Preferable and Recycled Product
2 Trade Show, April 6th and 7th, 2005, at the Ontario
3 Convention Center. This year's theme is transportation
4 services and products. And it's being held in conjunction
5 with the Board's Annual Tire Conference.

6 The show is a great way to market all types of
7 recycled content and environmentally preferable products
8 to buyers, project managers, and specification writers
9 from throughout the public and private sectors.

10 I've met with staff to discuss ways of increasing
11 sponsorship for this show and will continue to bring you
12 updates at future meetings. Exhibitor brochures are
13 available at the back table for those folks in the
14 audience.

15 As I'm sure you're all aware, the Governor has
16 appointed a new Director at the Department of
17 Transportation, Will Kempton. Mr. Kempton apparently has
18 some strong ties with our staff, most notably Mrs. Shirley
19 Willd-Wagner. He succeeded Shirley as Chair of Eppie's
20 Great Race, a local triathlon that is a fundraiser. So
21 we're going to be counting on Shirley's ties with
22 Mr. Kempton to move our agenda along there.

23 In past Board meetings, you've given me direction
24 to initiate communications with Caltrans once a new
25 director was appointed and to begin discussions on the

1 variety of issues that we all know so well, the use of
2 rubberized asphalt concrete, civil engineering projects,
3 and incorporate waste tire products, and increasing the
4 purchase and use of compost and mulch, recycled paint, and
5 other recycled content products. I believe there's also
6 an interest in having a Board member present at our
7 upcoming meetings, so I will be coordinating with you on
8 that activity.

9 I think we have a little slide show here, Madam
10 Chair. Something you participated in on October 16th.

11 (Thereupon an overhead presentation was
12 presented as follows.)

13 EXECUTIVE DIRECTOR LEARY: We were fortunate to
14 support the Best Buddies Volvo Hearst Castle Challenge, a
15 100-mile bike ride from Carmel to San Simeon to benefit
16 children with special needs. This event was founded by
17 Anthony Shriver, with First Lady Maria Shriver being the
18 honorary Chair. The event was the first to follow the
19 Governor signing into law AB 2176, the Large Venue and
20 Event Recycling Act promoting diversion activity at large
21 public venues.

22 --oOo--

23 EXECUTIVE DIRECTOR LEARY: So to promote the
24 event, we were able to design and place banners along
25 Highway 1 and a full-page ad in their promotional book.

1 Our goal was to maximize visibility for all those driving
2 on Highway 1 as being seen through the cameras of CBS
3 Sports, who were also filming the event.

4 --o0o--

5 EXECUTIVE DIRECTOR LEARY: Here are some examples
6 of containers used for the collection of trash and
7 recyclables. Food waste containers used were 15 gallon
8 toters.

9 --o0o--

10 EXECUTIVE DIRECTOR LEARY: On the top left is a
11 picture of First Lady Maria Shriver with her best buddy
12 and the beautiful daughter of Pat Schiavo, Marissa
13 Schiavo. And there's, of course, ugly Pat in the next
14 picture with Eric Bissinger.

15 (Laughter)

16 EXECUTIVE DIRECTOR LEARY: Kind of makes you
17 wonder where beautiful Marissa came from. But, anyway, at
18 the bottom right is the Shriver clan. They, along with
19 Rob Lowe, track star Carl Lewis, and others really
20 embraced the event.

21 --o0o--

22 EXECUTIVE DIRECTOR LEARY: Here's a photo of a
23 few of the brave soles from CalePA that actually rode the
24 100-mile trek, including Yvette DiCarlo from our own Board
25 staff, and two riders from the Air Resources Board, Rob

1 Oglesby and Bruce Oulrey.

2 --o0o--

3 EXECUTIVE DIRECTOR LEARY: All participants were
4 very cooperative, and that is what it takes to be
5 successful. And there you are, Madam Chair, in the
6 picture hobnobbing with the First Lady.

7 --o0o--

8 EXECUTIVE DIRECTOR LEARY: Many efforts were
9 implemented to make this all happen. And that slide is a
10 little hard to see. You can read among the many efforts
11 that resulted from many people contributing. We were able
12 to maximize diversion in a big way.

13 Coordination took place with the hauler and many
14 of our staff. And the end result was --

15 --o0o--

16 EXECUTIVE DIRECTOR LEARY: -- an 82 diversion
17 rate for the public venue activity.

18 I'd like to take this opportunity to thank the
19 many staff that contributed: Phil Morales, Eric
20 Bissinger, Betty Fernandez, Keir Furey, Anthony Marin from
21 the DPLA organization, as well as Jon Myers, Chris Peck,
22 and Bill Albert from our Public Affairs staff.

23 And a little known secret about this whole event,
24 this thing was queued up by one of our external
25 stakeholders, another Board staff kind of in extension

1 only. That's Mr. John Cupps queued us up to this event.

2 I want to express my appreciation to him for recognizing
3 the synergy early on that this event provided.

4 Okay. Another update on all-staff follow up with
5 the suggestion box activities. Board Members Paparian and
6 Peace will recall from their all-staff meeting with the
7 Permitting and Enforcement Division that concern was
8 expressed by a few staff about the need to maintain
9 tighter security over the permit files located on the 13th
10 floor. The assertion was that the files had been
11 disappearing.

12 Howard Levenson looked into this issue and
13 confirmed that fortunately the files in question had been
14 temporarily misplaced, rather than lost. Nonetheless,
15 with the help of our Admin and Finance staff, we did
16 undertake an assessment of the cost to seal off the files
17 and found, as with most things, costs vary greatly
18 depending on the approach. The least-cost option is to
19 use existing style cubical partitions to cordon off the
20 area. However, there still is a significant cost.

21 Given our tight fiscal situation, the reality
22 does not appear to be a problem at the time. Howard has
23 concluded, and I concur, the cost greatly exceeds the
24 potential benefit. So for the time being, we've decided
25 the permit files are safe in the capable hands and under

1 the watchful eyes of Willie Carpenter and retired
2 annuitants Ursula Schubert and John Boatwright.

3 And then last and least pleasantly, I'm picking
4 up on Mr. Paparian's admiration. I'd like to sadly
5 announce the departure of one of our greatest and perhaps
6 least recognized assets of the Board. Jill Jones will be
7 leaving us this month to pursue a promotional opportunity
8 with the Chancellor's Office of the California Community
9 Colleges.

10 Jill has been the right arm as well as the left
11 on many important policy issues and programs here at the
12 Board and will be greatly missed. We've all been highly
13 impressed with Jill's skills since she first arrived at
14 the Board. She was part of the trained few that
15 understand total quality management and was sincere about
16 helping us adopt higher quality standards through
17 communication and collaboration on expectations. Jill was
18 truly a breath of fresh air that the organization really
19 needed at that time.

20 For those who have worked side by side with Jill,
21 as Julie and I have, we've watched in awe as she tackled
22 facilitated discussions on the LEA Board partnership
23 effort over a two-year period. Her techniques and
24 processes are still appreciated today.

25 Her most recent contribution has to do with the

1 implementation of 1548. And I know Linda and Bonnie will
2 join me in applauding her efforts in that regard. In all
3 of Jill's work, she's been very impartial, yet a terrific
4 counselor for the staff and the leadership of the Board.
5 She holds confidences and works to improve communications
6 and to explore problem-solving by focusing on the
7 important stuff, instead of assigning blame. In the words
8 of Sharon Anderson, she's one of a kind. Jill is one of
9 those people who everyone will miss dearly and whose shoes
10 will be nearly impossible to fill.

11 And now I believe, Madam Chair, you have
12 something you'd like to present Ms. Jill Jones. And maybe
13 Jill could come up front for a brief period of
14 embarrassment.

15 BOARD MEMBER WASHINGTON: I just wonder why she
16 wants to leave the exciting Integrated Waste Board and go
17 work for the boring community colleges.

18 EXECUTIVE DIRECTOR LEARY: It's called a
19 promotion, Carl.

20 BOARD MEMBER WASHINGTON: That's promoting.

21 CHAIRPERSON MARIN: Yeah. Let me, if I may, I'm
22 going read it from here, and then I'm going to come down
23 and we all can go in and take pictures with her.

24 I'm not going to read the entire thing, because
25 it's really big, Jill. But I will tell you, we're all

1 very honored.

2 And it will say:

3 "Whereas, the California Integrated Waste
4 Management Board was established to oversee the
5 implementation of the nation's most aggressive
6 waste diversion mandates, as well as the safe
7 disposal of that which cannot be diverted.

8 "And, whereas, Jill used her magic tools,
9 including post-it notes, flip charts, work plans,
10 caller dots, and strategically designed workshop
11 agendas to bring together divergent stakeholders
12 with competing issues and interests to achieve
13 consensus and create viable solutions.

14 "And, whereas, Jill drafted to the Electronic
15 Waste Team, bravely showed the team the light of
16 project management, guiding them through the
17 darkness of disorganization and fending off
18 indecision to bring clarification, focus, and
19 coordination to the team in their pursuit of
20 well-executed deliverables.

21 "And, whereas, Jill assisted Board Member
22 Michael Paparian" -- as we have actually already
23 heard from him -- "and staff with the cross BDO
24 Environmental Management Steering Committee,
25 resulting in the adoption of the CalEPA EMS

1 policies in June 2004. Jill has shown a great
2 depth of patience and clarity through her work
3 with the Steering Committee."

4 I'm just going to finish reading it.

5 "And, whereas, Jill, as facilitator, has been
6 instrumental in guiding the AB 1548 education and
7 the environment initiative" -- for which Linda is
8 very, very grateful -- "in the areas of
9 structure, communication, effective meetings
10 coordination, and desired outcomes. Jill's
11 attention to detail, thoroughness, and insights
12 have been essential to the success of this
13 initiative.

14 "And, whereas, Jill contributed to countless
15 teams and projects, including environmental
16 education, the Strategic Plan, CalEPA
17 environmental management systems, program and
18 integration plan, CalEPA quality consultants,
19 Electronic Waste Team, and the Grant Program
20 assessment to further the costs or organizational
21 effectiveness, effective communication, and
22 customer service.

23 "And, whereas, the Board and CIWMB staff
24 would like to express our appreciation for Jill's
25 dedication, support, and enthusiasm throughout

1 the past ten years.

2 "And, whereas, her contributions ensure that
3 Californians understood and ultimately met the
4 initial goal of reducing waste by 25 percent in
5 1995 and laying the foundation for reaching
6 50 percent diversion rate by 2000 and now towards
7 a zero waste California.

8 "Now, therefore, be it resolved, that the
9 California Integrated Waste Management Board does
10 hereby commend Jill L. Jones for her outstanding
11 work as Staff Services Manager I and for her
12 dedication to the Integrated Waste Management
13 Board."

14 Thank you so very much, Jill.

15 (Applause)

16 BOARD MEMBER MOULTON-PATTERSON: I would just
17 like to say, I know it's been touched on, but Jill really
18 brought back together 1548 when it was in shambles, and
19 everybody was fighting and everything. She
20 single-handedly brought everybody to the table. And I
21 know Bonnie is very appreciative also, because she was
22 very involved with that. But thank you so much. I don't
23 know that anybody else could have done that with all those
24 personalities. Thank you.

25 BOARD MEMBER PEACE: I just want to say thank you

1 for everything you've done, and we're going to miss you.

2 BOARD MEMBER MULÉ: Jill, thank you for all your
3 work with the Board. We really appreciate it. We look
4 forward to seeing what you're going to do with the
5 community colleges district. Great.

6 BOARD MEMBER WASHINGTON: Again, thank you. I
7 dito all the comments of all the Board members. And good
8 luck to you over at community colleges.

9 CHAIRPERSON MARIN: You can have the last word.

10 BOARD MEMBER PAPARIAN: Thank you so much. I
11 think this place is a better place for you having been
12 here. We appreciate it.

13 CHAIRPERSON MARIN: Well, I'll say it in Español.
14 Gracias, very, very much Jill. You're the best, and we
15 will miss you. But you should be so proud of your legacy
16 here and how everybody acknowledges you.

17 Do you want to say two words?

18 STAFF SERVICES MANAGER I JONES: I just want to
19 say for the past ten years I've been so happy to be a part
20 of the Board. And I really respect the dedication of the
21 staff and the intelligence and just the giddyup and go
22 that the staff has. And it's really been just a pleasure
23 working with everyone here, including the Board members,
24 Board offices, the exec staff, and all of the staff in the
25 various programs I've had the opportunity to touch. So

1 thank you very much. This is a real surprise.

2 And Mark's right. I usually don't like the
3 attention. I'm happy just being in the back corner just
4 keeping a low profile. So this is very nice. Thank you.
5 I appreciate it, and I'll miss everyone.

6 CHAIRPERSON MARIN: Thank you.

7 (Applause)

8 CHAIRPERSON MARIN: Okay. Next before we go
9 on to the consent agenda and so forth, are there any ex
10 partes from any of the Board members?

11 Ms. Moulton-Patterson.

12 BOARD MEMBER MOULTON-PATTERSON: I'm up to date.
13 Thank you.

14 CHAIRPERSON MARIN: Ms. Cheryl Peace.

15 BOARD MEMBER PEACE: I'm also up to date.

16 CHAIRPERSON MARIN: Okay. I did not do this.
17 Last night, I had dinner with Yvonne Hunter.

18 BOARD MEMBER MULÉ: Up to date, thank you.

19 BOARD MEMBER PAPARIAN: I'm up to date.

20 CHAIRPERSON MARIN: And Mr. Washington.

21 BOAR MEMBER WASHINGTON: I'm up to date.

22 CHAIRPERSON MARIN: Okay. That leads us to the
23 public comment period. Is there anybody that wishes to
24 address the Board on any items not related to the agenda?

25 No. Perfect. Wonderful.

1 Okay. We will go onto the consent items. We'll
2 go to the consent calendar. Let's see.

3 Consent items will be Item Number 4, Number 5,
4 Number 6, Number 9, 10, 11, 12, 13, 14, 15, 16, 17, 19,
5 20, 21, 22, and 24.

6 Does anybody wish to remove any items from the
7 consent calendar?

8 BOARD MEMBER WASHINGTON: Madam Chair, I'd like
9 to remove Item 24.

10 CHAIRPERSON MARIN: Item 24 will be removed.

11 Anybody else?

12 Is there a motion?

13 BOARD MEMBER WASHINGTON: Madam Chair, I'd like
14 to move the remainder of the consent calendar.

15 BOARD MEMBER MULÉ: Second.

16 CHAIRPERSON MARIN: It's moved by Mr. Washington,
17 seconded by Ms. Mulé.

18 Call the roll, please.

19 EXECUTIVE ASSISTANT JIMINEZ: Moulton-Patterson?

20 BOARD MEMBER MOULTON-PATTERSON: Aye.

21 EXECUTIVE ASSISTANT JIMENEZ: Peace?

22 BOARD MEMBER PEACE: Aye.

23 EXECUTIVE ASSISTANT JIMINEZ: Mulé?

24 BOARD MEMBER MULÉ: Aye.

25 EXECUTIVE ASSISTANT JIMENEZ: Paparian?

1 BOARD MEMBER PAPARIAN: Aye.

2 EXECUTIVE ASSISTANT JIMENEZ: Washington?

3 BOARD MEMBER WASHINGTON: Aye.

4 EXECUTIVE ASSISTANT JIMINEZ: Marin?

5 CHAIRPERSON MARIN: Aye.

6 Then we're going to go into Special Waste. Would
7 you like to make a presentation, Madam Chair?

8 BOARD MEMBER PEACE: Okay. Sure. We only heard
9 two items in the Special Waste Committee.

10 First was the scope of work to complete the
11 cleanup of the Tracy tire fire site. It had full
12 Committee support, but we had some fiscal implications, so
13 you'll be hearing that in a moment.

14 The second item on the Manifest System. The
15 stakeholders felt that the short time frame before the
16 Committee and Board meetings were insufficient to digest
17 the new options. So staff will hold another Tire Manifest
18 Workshop where stakeholders can discuss the options and
19 then they'll bring it back to the Committee.

20 That's my report.

21 CHAIRPERSON MARIN: Okay. Do you want to move
22 on to Item Number 1, then?

23 Jim, do you want to present that, please?

24 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

25 Good morning, Board members. My name is Jim Lee, Special

1 Waste Division.

2 Item Number 1 is Consideration of Scope of Work
3 for the Tracy Tire Fire Final Remediation Contract, Tire
4 Recycling Management Fund, Fiscal Years 2005-06 and
5 2006-07.

6 Please note that the agenda item has some minor
7 revisions to reflect corrections in fiscal year
8 designations brought to our attention at the Special Waste
9 Committee.

10 The estimated cost to complete the remediation of
11 the Tracy tire fire site is estimated to be about \$5
12 million. The Board has allocated 3.7 million for fiscal
13 years 2005-06, and 1 million for fiscal year 2006-07. For
14 long-term remediation as part of the Five-Year Plan, staff
15 is proposing to seek the additional 1.3 million during the
16 Board's revision of the Five-Year Plan.

17 We propose as part of this agenda item to request
18 the Board to approve the final scope of work to remediate
19 the Tracy tire fire site and direct staff to proceed with
20 request for qualifications for an amount up to \$5 million,
21 with the final 1.3 million pending allocation of the
22 Board's revision of the Five-Year Plan. And also to
23 request Board's approval to procure a contractor to be
24 subsequently approved by the Board.

25 With that, the Committee Chair has already

1 indicated the Special Waste Committee did accord this
2 final recommend for fiscal consent. And with that, the
3 staff would like to request the Board to approve
4 Resolution 2004-254.

5 CHAIRPERSON MARIN: Okay. Thank you, Mr. Lee.
6 Any further comments or -- Ms. Patterson.

7 BOARD MEMBER MOULTON-PATTERSON: I'd just like to
8 go ahead and move Resolution 2004. Did you want --

9 BOARD MEMBER PEACE: I just have one thing.
10 I'm looking through this revision, the revision
11 three, and I guess I still have a question. On the second
12 page, second paragraph, I see that you changed where it
13 says 11,565,000 to remediate the Tracy tire fire for
14 Fiscal Years 2003-04 through 04-05. You had changed that.
15 I was still under the impression that the 03-04 began in
16 fiscal year 02-03.

17 DEPUTY DIRECTOR LEE: Madam Chair, let me ask my
18 staff to respond to that point.

19 SUPERVISOR FUJII: Bob Fujii, Special Waste
20 Division.

21 I believe what you're referring to is the last
22 sentence in the second paragraph. And I believe
23 originally it was 02-03, and I think it was revised. And
24 the actual dollars were allocated in 03-04 and 04-05. I
25 believe that's correct.

1 BOARD MEMBER PEACE: So you think this is
2 correct. At the meeting you had given me this little note
3 that said 02-03, and I just want to make sure that it is
4 correct.

5 SPECIAL WASTE DIVISION SUPERVISOR FUJII: I think
6 the note I might have given you, Cheryl, was incorrect. I
7 apologize for that.

8 BOARD MEMBER PEACE: I just want to make sure we
9 got it right.

10 BOARD MEMBER MOULTON-PATTERSON: I'll go ahead
11 and move Resolution 2004-254.

12 BOARD MEMBER WASHINGTON: Second.

13 BOARD MEMBER PEACE: Revision three.

14 CHAIRPERSON MARIN: Okay. Moved by
15 Moulton-Patterson --

16 BOARD MEMBER WASHINGTON: Second.

17 BOARD MEMBER PEACE: I'll second that.

18 CHAIRPERSON MARIN: Seconded by -- I heard two
19 seconds. Was it Carl Washington? I believe I heard him
20 first, if that's okay, Madam Chair, from the Committee.

21 Moved and seconded. Without objection that will
22 be the pleasure of this Board.

23 Okay. Then the next item will be Sustainability
24 and Market Development.

25 Mr. Paparian, do you have a Committee report?

1 BOARD MEMBER PAPARIAN: Yes. Thank you, Madam
2 Chair.

3 There were 21 items to come before the Committee
4 this month. It was quite a lengthy agenda. Seventeen of
5 them we just dealt with on consent, including the e-waste
6 regulations.

7 Two items are coming before the full Board --
8 actually, three now that one was actually pulled off of
9 the consent. The discussion of the findings of a large
10 public venue contract. That will be a staff presentation.
11 Item 23 related to Hermosa Beach SB 1066 time extension.
12 There was a vote of 2-1 on the Committee. That's why that
13 one is coming before the Board. And, finally, Item 24,
14 which Mr. Washington pulled off of consent related to
15 Inglewood.

16 There were two discussion items heard in the
17 Committee only. One was related to the revised adjustment
18 and disposal reporting requirements, the proposed
19 regulations on those. A lot of stakeholders asked for
20 another 45-day comment period, which we agreed staff would
21 go ahead with.

22 And then just to be clear, the Committee
23 direction was that the deadline for comments in the next
24 comment period should be no sooner than mid-January. So
25 the clock may start sometime in, you know, early December.

1 But we want to make sure that people had a little bit of
2 time beyond the holidays for preparing and submitting
3 their comments.

4 And then the other discussion item in the
5 Committee was related to the city of Victorville, and I
6 think that the staff report, staff information in the
7 binder provides a lot more information on that.

8 CHAIRPERSON MARIN: Thank you, Mr. Paparian. And
9 that was a very long Committee meeting. We addressed
10 quite a few issues. But I'm so glad we came to agreement
11 with a majority of them.

12 So that leaves us with Item 23.

13 Pat, do you want to --

14 DEPUTY DIRECTOR SCHIAVO: I think we're going to
15 do Item 8.

16 CHAIRPERSON MARIN: You're going to do that
17 first, okay. I'm trying to figure out the time.

18 DEPUTY DIRECTOR SCHIAVO: That's why I was
19 thinking it might be better to do 8.

20 CHAIRPERSON MARIN: Why don't we do that then.

21 DEPUTY DIRECTOR SCHIAVO: With the passage, as
22 Mark mentioned, of AB 2176, we're looking to accelerate
23 our public venue event offerings. And so what we've been
24 able to do is now get our staff with some on-site
25 training, such as the Best Buddies. And as Chris is going

1 to present to you what took place over at Indian Wells so
2 we can have a better handle when we develop our case
3 studies and models and start performing the peer matching.
4 So we're really looking forward to moving forward in this
5 effort.

6 So Chris Kinsella is going to go ahead and
7 present to you a discussion of the findings from the large
8 public venue contract that we just completed.

9 (Thereupon an overhead presentation was
10 presented as follows.)

11 MS. KINSELLA: Good morning, Madam Chair, members
12 of the Board. I'm Chris Kinsella, Office of Local
13 Assistance.

14 Each year, the city of Indian Wells hosts the
15 Tennis Master Series. During the two-week tournament, the
16 city's year-round population of 2,600 swells to over
17 250,000 visitors that consume over 200,000 meals within
18 the stadium grounds. As a result of this influx of
19 visitors, the amount of waste generated during the
20 two-week event is almost equal to 1 percent of the city's
21 annual waste disposal. To address this, the city of
22 Indian Wells has dedicated itself to implementing programs
23 to divert the event's waste.

24 --o0o--

25 MS. KINSELLA: As part of the city's waste

1 diversion efforts, a pilot food scrap program began in
2 April 2000 with a contract from the Board. In March 2001,
3 both pre-consumer food scraps from the kitchen and
4 post-consumer food waste from the food court were
5 collected for composting. The pilot program also included
6 setting up recycling collection for other materials, such
7 as glass, plastic bottles, aluminum cans, and cardboard.
8 Additionally, the redistribution of excess prepared food
9 was coordinated with a local food bank.

10 --o0o--

11 MS. KINSELLA: After the 2001 event, the city
12 evaluated the program and determined they could increase
13 overall waste diversion by introducing biodegradable
14 service ware. To support the city's proposed expansion
15 strategy, in June 2002, the Board approved another
16 contract to introduce biodegradable plastics into the
17 Tennis Garden venue.

18 --o0o--

19 MS. KINSELLA: The city worked with Restaurant
20 Associates, a national company that is the primary vendor
21 for the Tennis Gardens, to develop a list of recyclable
22 food service items which would be piloted in five food
23 booths at the event. The team targeted clear beverage
24 cups, spoons, forks, knives, and clear salad bowls to
25 convert to biodegradable.

1 --o0o--

2 MS. KINSELLA: As a result of the roll-out of the
3 biodegradable service ware in the pilot area, the program
4 successfully diverted 10.6 tons of waste, which included
5 pre- and post-consumer food scraps, biodegradable service
6 ware and paper products.

7 In 2004, nearly 30 percent of the facility's
8 waste stream was diverted. Additionally, Restaurant
9 Associates now has confidence in the biodegradable items
10 used during the event and expressed a willingness to use
11 the item at future events.

12 --o0o--

13 MS. KINSELLA: The following slides highlight the
14 key elements and lessons that we have learned on
15 implementing a successful food waste and biodegradable
16 service ware diversion program.

17 --o0o--

18 MS. KINSELLA: Management buy in. Management buy
19 in is critical. The management of the venue needs
20 diversion program information to understand the benefits
21 of a program in order to support it. Jurisdictions need
22 to meet early in the process to develop a relationship
23 with the venue management. Information that management
24 needs includes potential avoided disposal cost savings,
25 biodegradable product information, technical assistance

1 resources, community relations, and environmental
2 benefits.

3 Cost savings can be a significant factor in
4 getting buy in. For example, the program at the Indian
5 Wells Tennis Gardens resulted in the savings of nearly
6 \$13,800 in 2004.

7 --o0o--

8 MS. KINSELLA: The Waste Reduction Team should be
9 established early in the process and represent the key
10 players. The team will be responsible for developing and
11 implementing a diversion plan. The team will need to meet
12 frequently and communicate regularly before, during, and
13 after the event. The Indian Wells Waste Reduction Team
14 developed a waste reduction plan in early stages of the
15 program. After each event, the team met to debrief on
16 their successes and challenges. As a result of their
17 debriefing, the team would make improvements to the event
18 plans for the following year.

19 --o0o--

20 MS. KINSELLA: Training staff at all levels is
21 also crucial. It is important that all staff understand
22 the goals of the program and their role in implementing
23 it. During staff training, it is important to address
24 that the workload will not be increased, rather, they will
25 be doing work differently then they had previously. Staff

1 can include kitchen, janitorial, loading dock employees.
2 Hands-on training should be provided to all staff on all
3 shifts. All training and materials signage needs to be
4 translated and posted in various languages.

5 The Tennis Gardens found that late night/early
6 morning shifts contributed to a greater contamination of
7 recyclables due to lack of training about what is
8 acceptable to place in each of the recycling bins. Once
9 modifications were made to the training schedule to ensure
10 all staff were adequately trained, the contamination rate
11 greatly decreased. The Tennis Gardens also created a
12 training video in Spanish and English to assist in
13 training kitchen and ground staff.

14 --o0o--

15 MS. KINSELLA: As part of staff training, it is
16 important to coordinate all parts of the recycling
17 collection. The collection point should be mapped out to
18 cover collection from the kitchen, food courts, public
19 access areas, recycling bin areas, hauler collection, and
20 delivery to the compost facility.

21 Signage is critical to ensure that materials are
22 collected correctly. This is a picture of a new ramp and
23 the improved signage in both English and Spanish.

24 --o0o--

25 MS. KINSELLA: The jurisdiction, hauler, and

1 venue staff need to work with the composter in the
2 planning stage of the program. The composter will be able
3 to identify the materials and volume they can process.
4 The composter may also be willing to pilot new types of
5 materials. For example, Cal Biomass, using the material
6 collected from the pilot area, conducted a three-part
7 field experiment to determine the real world
8 compostability of the biodegradable plastic service ware
9 with food waste. Cal Biomass found that the biodegradable
10 and food waste did completely compost within 90 days.
11 This time frame is well within the optimum range of
12 decomposition required by the facility.

13 --o0o--

14 MS. KINSELLA: We found that it is critical that
15 the venue has on-site technical assistance during the
16 event. Because a large venue can have staff shifts during
17 the day and night, the jurisdiction and hauler may need to
18 set up monitoring during each shift to adjust training
19 needs and make program adjustments. For example, the city
20 representative and its consultant were on site at the
21 Tennis Gardens and very visible several days before,
22 during, and after the event. They were also available at
23 various times to all shifts of staff and management to
24 address concerns and issues. This worked well and
25 demonstrated commitment to the program to staff and

1 management.

2 --o0o--

3 MS. KINSELLA: Proper signage requires
4 considering budget, aesthetics, and the ability to get the
5 message across through a broad spectrum of people, which
6 may include using different languages or pictures.

7 Signage for the containers should be easy for
8 patrons to read and should distinguish where the materials
9 should go. It is helpful to get feedback before the event
10 occurs to ensure that signage is helpful and clear.

11 The city of Indian Wells made numerous changes to
12 signage on their bins. In 2004, they added more realistic
13 pictures of the materials that go in the recycling bins.

14 Promotion and outreach can include newspaper
15 articles, sponsorships including information in the
16 official program. To educate patrons, the city of Indian
17 Wells ran articles in the local paper as well as the
18 official program for the 2004 event.

19 The director of sponsorship sales at the Tennis
20 Gardens is now working with the city and its consultant to
21 pursue an environmental sponsorship for next season's
22 event. Sponsorships can provide visibility for the
23 recycling program.

24 --o0o--

25 MS. KINSELLA: Employee feedback is essential to

1 make beneficial modifications to the program and gain
2 staff buy-in. For example, at Indian Wells a ramp was
3 added and new rolling transfer carts were purchased for
4 easier collection and dumping of the heavy food waste into
5 the recycling bins. To address odor concerns, an odor
6 mitigation product called Odorace is now being used.
7 After dumping food waste in the dumpster, staff sprayed
8 the Odorace over the material and has significantly
9 reduced the odors, even on 100-degree days.

10 --o0o--

11 MS. KINSELLA: With the culmination of this
12 contract, information on the project will be available for
13 local jurisdictions and other large venues throughout the
14 state on the Board's website.

15 To share what we have learned, staff plans to
16 work with other cities and develop their venue programs.
17 In the coming years, staff will be targeting those
18 jurisdictions that are on 1066s and have large venues in
19 their communities.

20 Also, DPLA staff, in coordination with Market
21 staff, will be hosting a workshop on December 8th here at
22 the CalEPA building to highlight the SBC Park, Desert
23 Sands Unified School District, and Indian Wells' food
24 diversion programs. Staff are sending invitations to
25 jurisdictions, haulers, composters, school districts, and

1 large venues around the state. The workshop will also be
2 broadcast over the Internet.

3 This concludes staff's presentation. Are there
4 any questions?

5 CHAIRPERSON MARIN: Well, let me ask our Board.
6 I think you've awed them all.

7 Are there any questions, any comments?

8 Thank you.

9 Ms. Peace.

10 BOARD MEMBER PEACE: I just would like to say
11 that Pat Schiavo and Cara Morgan have taken me to the
12 Indian Wells facility to see what they're doing, and it
13 really is incredible. You guys have done a great job. So
14 thank you.

15 CHAIRPERSON MARIN: Ms. Moulton-Patterson.

16 BOARD MEMBER MOULTON-PATTERSON: I've also
17 visited it, and they've done a great -- you guys have done
18 a great job, and so has the city of Indian Wells. It's
19 really remarkable.

20 CHAIRPERSON MARIN: Well, thank you, Pat. And
21 you did something very similar with Best Buddies. And now
22 our mission goes on forward to many other big venues.

23 I really hope -- and I know that the Rose Parade
24 has some kind of recycling activity going on. But it
25 seems to me that we could target some of those huge, huge

1 efforts and bring in our talented staff. Help them
2 recycle even more.

3 I know you're doing a great job, and I think this
4 clearly shows that. So I thank you. Let's just go out
5 and let's target some of these bigger venues. Right.

6 Okay. Well, thank you very much for all your
7 hard work. Thank you, Pat.

8 We have a couple of minutes. We're going to have
9 a special guest arrive in a few minutes. So I'm
10 vacillating here as to whether we should go on to Item
11 Number -- would that be 23? I believe maybe not. I think
12 we should just wait. I think it's coming pretty soon.

13 It is my pleasure to welcome Senator Byron Sher.

14 (Applause)

15 CHAIRPERSON MARIN: Senator, maybe we can go to
16 the side here.

17 It's truly an honor. We are very, very deeply
18 honored that you would join us in this most special day
19 for you. And the entire Board recognizes your great
20 effort. We would like to make a small presentation
21 acknowledging your great contribution to the state of
22 California. And we have a resolution. I want to read it,
23 if I may.

24 "Whereas, Senator Byron Sher has served with
25 distinction at the California State Senate since

1 1996, and prior to that in the California State
2 Assembly from 1980 to 1996.

3 "And, whereas, then Assemblymember Sher
4 authored landmark legislation designed to protect
5 California's environment, the Integrated Waste
6 Management Board Act AB 939 in 1999, and therein
7 created the California Integrated Waste
8 Management Board.

9 "And, whereas, in response to a crisis in
10 landfill capacity, this legislation created
11 mandates to divert recyclable materials from the
12 solid waste stream and into the economic
13 mainstream.

14 "And, whereas, AB 939 established
15 requirements for local governments to reduce the
16 waste going to landfills by 50 percent and
17 established a hierarchy by which we would
18 conserve our national resources by reducing,
19 reusing, and recycling.

20 "And, whereas, in 1989, there were only five
21 million tons of waste recycled. And now, 14
22 years later, nearly 40 million tons of materials
23 are recycled in California. Each year, this
24 recycling saves enough energy to power 1.4
25 million homes, reduces water pollution by almost

1 30,000 tons, and air pollution by over 165,000
2 tons, reduces greenhouse gas emissions by an
3 amount equal to taking four million cars off the
4 road, and saves 14 million trees.

5 "And, whereas, this recycling activity has
6 developed a new industry, generating 85,000 jobs
7 that infuses \$14 billion into California's
8 economy annually.

9 "And, whereas, the people of the state of
10 California will forever be grateful to Byron Sher
11 for his stalwart vision and dedication to
12 protecting California's natural resources.

13 "Now, therefore be it resolved, that the
14 California Integrated Waste Management Board and
15 its staff commends -- deeply commends Senator
16 Byron Sher for his tireless service to the people
17 of California and wish him well in all of his
18 future endeavors. May God bless you, Byron
19 Sher."

20 (Applause)

21 CHAIRPERSON MARIN: I know there are a couple of
22 people that want to say a few words. So before you say
23 any words, if you want to, we can sit there. And then I
24 know everybody wants to say a couple of words.

25 And we also acknowledge your beautiful,

1 distinguished wife, Linda, who is here joining us as well.

2 (Applause)

3 CHAIRPERSON MARIN: Thank you so very much. I
4 know Ms. Moulton-Patterson would like to say a few words.
5 Then I know Ms. Cheryl Peace wants to also make a small
6 presentation.

7 BOARD MEMBER MOULTON-PATTERSON: Thank you,
8 Senator. I just want to, as everyone here today, thank
9 you for your vision in creating this Board. We have made
10 such a difference. And even though I'll be going off
11 soon, I will continue to let everyone know how great the
12 Integrated Waste Management Board is and how important a
13 public Board is. And it's all due to you.

14 When I was Mayor of Huntington Beach and I was
15 put on a task force to try to implement this new law, I
16 had no idea that some day I would be able to work with my
17 heroes, Senator Sher and Senator Roberti. It's just been
18 such an honor.

19 And I want to thank you so much for your support
20 of me as Chair for four-and-a-half years. It just made a
21 real difference to have somebody there that really
22 believed in what you were doing and had faith in you. And
23 we all can't thank you enough. Thank you, Senator Sher.

24 CHAIRPERSON MARIN: Ms. Peace.

25 (Applause)

1 CHAIRPERSON MARIN: Thank you. You are our hero.

2 But I have another presentation. Actually, on
3 behalf of the local government household hazardous waste
4 community, I would like to present this familiar glass
5 recycled bowl to you for your efforts on the management of
6 household hazardous waste.

7 Now I do have to tell you that we have tried to
8 present this to you on several occasions over the last
9 year, but we've experienced some problems with a certain
10 member of your staff that doesn't seem to want to return
11 our phone calls or e-mails. And I don't want to mention
12 any names, Kip Lipper.

13 However, over the last year, I want you to know
14 this bowl has not gone unappreciated or underutilized. In
15 fact, I think Rick has used it as an ash tray, and I've
16 used it as a candy dish. And actually, Mr. Paparian asked
17 last week if he could use it for a cereal bowl. At any
18 rate, you now have enough of these that you can throw one
19 big dinner party.

20 With all kidding aside, Senator, thank you for
21 all of your years in the Legislature that you have
22 dedicated to conserving our natural resources and
23 protecting our environment. You have truly made a
24 difference. The state is better for your service, and
25 your leadership will truly be missed.

1 (Applause)

2 CHAIRPERSON MARIN: Thank you. Ms. Mulé.

3 BOARD MEMBER MULÉ: Senator Sher, I just want to
4 thank you for your vision and your leadership. And as I
5 mentioned to you a few months ago, I don't know if you
6 remember, but I did say that thanks to you, I have had an
7 extremely rewarding and successful career in the solid
8 waste and recycling industry.

9 And I just want you to know, not only have you
10 made a difference in California, but you have made a
11 difference -- you have made a difference throughout this
12 entire country. And I want to thank you for all of your
13 hard work, your dedication, and your vision to conserving
14 resources and protecting our environment. Thank you,
15 Senator.

16 (Applause)

17 CHAIRPERSON MARIN: Mr. Paparian.

18 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

19 We're coming off of election season right now,
20 and a lot of us who have been involved in elections know
21 we have to walk precincts and make phone calls. And I've
22 done my share of those over the years. And, you know,
23 sometimes you wonder about the candidate you're
24 supporting. Sometimes you have regrets about the
25 candidate you supported. But I want you to know, I walked

1 precincts for you that night in 1980 that Ronald Reagan
2 won for president and you won your first term in the
3 Assembly. And I was down in your district on election
4 night walking precincts for you, and, boy, do I have no
5 regrets at all.

6 I think, you know, looking back, there's nobody
7 I've walked precincts for I'm prouder of having walked
8 precincts for and just can't say enough about the good
9 work that you've done.

10 I've got a very long list of all the
11 accomplishments, and you'll be glad to know I'm not going
12 to read them all right now. But I will say that, you
13 know, the land, the water, the air, the forest, the health
14 of Californians are all much, much better off for you
15 having served in the Legislature and you having looked out
16 for the interests of Californians and the interest of the
17 California environment. And we're a much better place
18 thanks to you. And we're much healthier thanks to you.
19 And I think Californians for many, many decades in the
20 future will look back with appreciation for all the good
21 things that you've accomplished.

22 (Applause)

23 CHAIRPERSON MARIN: Mr. Washington.

24 BOARD MEMBER WASHINGTON: Thank you, Madam Chair.

25 I have a distinction that's different from the

1 Board. I had an opportunity, Bryon, to vote on this twice
2 as a member of the California State Assembly. I remember
3 when I was elected to the Assembly, we had a chance as
4 freshmen to meet either out-going, retiring, or moving on
5 to the Senate our Congress legislators. And I had a
6 chance to go and I made it my business to sit down in my
7 first month in the Legislature. I scheduled a meeting to
8 sit down and talk with Senator Sher. He had just left the
9 Assembly and I was coming in, and I needed some heads up
10 and some wisdom as to how I survive in the State Capitol.

11 And I remember when this legislation came
12 forward, I was the then Majority Whip in the Assembly.
13 And we had a caucus meeting on this particular piece of
14 legislation. And all the good stuff that came out of this
15 in our democratic caucus with the unanimous support of our
16 caucus to really move this legislation forward has
17 certainly paid off. And, again, to have the distinction
18 of voting on a historical landmark legislation like this
19 and having my vote attached to it has certainly made me
20 feel good. And then to have an opportunity to serve on
21 this Board.

22 Byron is certainly one of a kind. And I say that
23 with all due respect, as a former colleague and certainly
24 as one who I have admired his ability and knowledge about
25 the environment. And certainly he was a person to go to

1 in the Legislature when it came to environment and issues
2 for legislators who live in urban communities who really
3 didn't understand the complex issues like that.

4 So Senator Sher, thank you so very much. Thank
5 you for allowing me to be a part of this landmark
6 legislation, and thank you for what you've done for
7 California. You've certainly made a difference in the
8 lives of Californians. And we really do appreciate it.
9 Thank you.

10 (Applause)

11 CHAIRPERSON MARIN: Thank you, everybody, for
12 those comments.

13 And as you can see, Senator Sher, I think that at
14 the end of the day when we all look back at what we've
15 done, you must feel extremely proud. You must feel quite
16 accomplished. To realize that because of what you did,
17 because of your vision, because of your hard work, because
18 you never let it down, thousands of people now have jobs
19 in industries that had never been there before, that our
20 environment is much better off, that the quality of life
21 of Californians, not just -- but because you are a leader
22 and California's a leader in this effort, it's not just
23 nationwide, by worldwide, that your impact in the state of
24 California has ripple effects throughout the world.

25 You must feel pretty good about yourself. I hope

1 you do. For those of us that are looking up to you -- and
2 you're certainly a giant in this effort, in this field.
3 You have led us down a path that is a beautiful legacy for
4 you, Senator. And we're all honored that you would take
5 the time to be with us. And, after all, we're your
6 children. You created this Board. So we're grateful and
7 honored.

8 And I don't know if there are a couple of other
9 people that would like to make a couple of comments. I
10 know our Executive Director wants to. Mark.

11 EXECUTIVE DIRECTOR LEARY: Thank you, Madam
12 Chair.

13 And welcome, Senator Sher. Just on behalf of the
14 staff and all the predecessors of this current staff, I'd
15 like to say thanks and express our appreciation for not
16 only the vision that created the Waste Board, but for your
17 support of us along the way. You challenged us. You
18 increased our initiatives. You made us work. But in that
19 way, we led the state and ultimately the world in
20 recycling for the state of California. And it's your
21 support that made that all happen. So on behalf of us
22 that are currently here and all of our predecessors, thank
23 you, Senator Sher.

24 (Applause)

25 CHAIRPERSON MARIN: I know Mark Murray from

1 Californians Against Waste wants to say a few words.

2 Thank you, Mark.

3 MR. MURRAY: Thank you very much, Madam Chair,
4 members of the Board, and Senator Sher.

5 I just wanted to, again, for the third time this
6 year, acknowledge your leadership on these issues. And
7 you know, Ms. Mulé spoke to owing some level of her career
8 to your work. And I probably take the cake in terms of
9 virtually everything that I've been able to participate in
10 and accomplish organizationally and individually has been
11 due to your willingness to tolerate me and to tolerate the
12 ideas that we've brought forward to your office. And for
13 that, we're greatly appreciative.

14 I guess one of the things that I haven't said the
15 last two times that we acknowledged you that I want to
16 say, not just to you but to the Board and to others, is
17 that the thing that you've shown me over the course of the
18 last 15 years we've had an opportunity to work together is
19 that there is still a willingness among policymakers to
20 really reach beyond, and to not compromise ideas before
21 they've even had a chance. But to actually think outside
22 the box and think big.

23 The very notion at a time when local governments
24 and state governments were struggling with trying to get
25 over 10 percent recycling, the notion of not just taking

1 the ball up to 25 percent recycling, but saying, you know,
2 what? If we're really going to do this, we're really
3 going to do this. We're going to cut waste in half.
4 We're going to go to 50 percent recycling. And we
5 actually had policymakers from the U.S. Environmental
6 Protection Agency telling us that was crazy. There was no
7 way that anyone could get to 50 percent.

8 Well, thanks to your vision, thanks to your
9 willingness to really push the envelope, not only have we
10 demonstrated that it can be done, we've demonstrated it
11 actually makes good economic sense for California to go to
12 50 percent and hopefully beyond that.

13 So, again, on behalf of the environmental
14 community, on behalf of all of us in the room that have
15 wonderful and exciting jobs as a result of the policies
16 that you've helped put through, thank you very much for
17 all of your efforts.

18 (Applause)

19 CHAIRPERSON MARIN: Somehow I knew Mr. Evan Edgar
20 would come up and say a few words.

21 MR. EDGAR: On behalf of the California Refuse
22 Removal, we want to thank you. CRRC and Z Harry Aster
23 helped create the AB 939 in 1988. And since that time,
24 there's been over one billion dollars of investment in a
25 program that's \$3 billion a years in jobs. On behalf of Z

1 Harry Astor and Lew Pellegrini and Joe Garbarino and Dave
2 Vaccarezza, you are the Godfather of AB 939. Thank you.

3 CHAIRPERSON MARIN: Okay. I'm not going to call
4 on anyone specifically, but if anybody would like to join
5 us in the comments, they're more than welcome to.

6 Would you like to say a few words?

7 SENATOR SHER: Yes, please. Well, I want to say
8 thanks to all of you collectively and individually for
9 your kind remarks and for this wonderful tribute as I am
10 recycled out of the Legislature. I have a special
11 relationship I think with each and every member of the
12 Board. And I want to congratulate you, Madam Chair, on
13 your new Chairmanship and the former Chair,
14 Ms. Moulton-Patterson. Cheryl Peace, who I have a
15 connection with through her spouse, a long-time
16 connection, I should say, and who represents the Senate on
17 the Board and Assemblyman Washington as well. And Mike
18 Paparian, who I've known forever. I first knew him when
19 he was a lobbyist for the Sierra Club and did such great
20 work. And the new member, Ms. Mulé, as well.

21 AB 939, I think, when I've given speeches
22 recently reminiscing about my career in the Legislature
23 and people ask, you know, "What do you feel are your most
24 important accomplishments," I always start the list with
25 Assembly Bill 939, because it truly has had such a great

1 impact in many ways on the state.

2 And, most importantly, I believe that it has
3 helped change the throw-away ethic in California. And it
4 has been actually so well received by the public who
5 really want to participate in the recycling effort in the
6 conservation of our resources.

7 So I feel that in a sense I'm a part of the work
8 you do here. I have a stake in your success and
9 appreciate the people who actually carry it out. You
10 know, a law is simply words on paper. And it's the
11 agencies that implement the law that are important.

12 I want to acknowledge my Chief of Staff, soon to
13 be my Ex Chief of Staff who is sitting in the front row,
14 Kip Lipper.

15 (Applause)

16 SENATOR SHER: I like to call Kip my partner in
17 legislation, because every success that I've had in the
18 Legislature in large part has been due to Kip's efforts.
19 And so one of the hardest things about leaving my current
20 position is that this partnership has to be dissolved.
21 But Kip will still be around watching and helping you and
22 your efforts.

23 There are two other pieces of legislation that
24 this Board implements that we worked on. One was the Used
25 Oil Recycling Bill. In a sense, that program, at least in

1 dollar amounts handled by the Board, is bigger than AB
2 939. We're proud of that effort. I think it's important
3 for California's environment.

4 And then most recently, your newest arrival here
5 at the Board is the e-waste bill that should have taken
6 effect in July. Well, it's in effect, actually. But it
7 will start being implemented at the beginning of next
8 year. That was an important bill to me. Hard to get
9 through the Legislature. And I appreciated the enthusiasm
10 with which the Board took on this assignment. Indeed, was
11 anxious to get started. And I know you'll do a great job
12 of implementing that bill.

13 Thanks to Mark Murray for your kind words and all
14 the help you gave us on that bill.

15 Rick Dunne I want to mention, too. You all know
16 Rick. And he's been an important part of the linkage
17 between the Legislature and this Board when Senator
18 Roberti was on the Board.

19 So I wish you well in your efforts with these
20 important pieces of legislation that are entrusted to you.
21 I know you'll do an outstanding job. And, once again, I
22 want to thank you all for your very kind tribute. It
23 means a lot to me as I leave the Legislature in about
24 three weeks. So thanks again. It's a great pleasure.
25 Thank you.

1 (Applause)

2 CHAIRPERSON MARIN: It will be very fitting that
3 we adjourn to the foyer for a little reception that we
4 have on your behalf, Senator Sher.

5 (Thereupon a recess was taken.)

6 CHAIRPERSON MARIN: Okay. I think we have all
7 the Board members here. We're going to start a little bit
8 earlier than 11:30 since everybody is here. We have a
9 couple of items only to deal with. Then we will go to
10 lunch. Then we will come back for a closed session. And
11 then we will adjourn the meeting.

12 Call the roll, please.

13 EXECUTIVE ASSISTANT JIMINEZ: Moulton-Patterson?

14 BOARD MEMBER MOULTON-PATTERSON: Here.

15 EXECUTIVE ASSISTANT JIMENEZ: Peace?

16 BOARD MEMBER PEACE: Here.

17 EXECUTIVE ASSISTANT JIMENEZ: Mulé?

18 BOARD MEMBER MULÉ: Here.

19 EXECUTIVE ASSISTANT JIMENEZ: Paparian?

20 BOARD MEMBER PAPARIAN: Here.

21 EXECUTIVE ASSISTANT JIMENEZ: Washington?

22 BOARD MEMBER WASHINGTON: Here.

23 EXECUTIVE ASSISTANT JIMENEZ: Marin?

24 CHAIRPERSON MARIN: Here.

25 Ex partes, Ms. Moulton-Patterson.

1 BOARD MEMBER MOULTON-PATTERSON: I just talked
2 socially to a number of people, really not anything about
3 issues.

4 CHAIRPERSON MARIN: Okay. Ms. Cheryl Peace.

5 BOARD MEMBER PEACE: The same with me.

6 CHAIRPERSON MARIN: Ms. Mulé.

7 BOARD MEMBER MULÉ: George Eowan, I spoke to him
8 regarding disposal reporting system regulations.

9 CHAIRPERSON MARIN: Mr. Paparian.

10 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.
11 I spoke to Bill McGavern of the Sierra Club about
12 financial assurance. And also Bill McGavern, Mark Murray,
13 and Scott Smithline about tire-related issues. And then
14 John Cupps just about his general approach to life and
15 travel arrangements.

16 CHAIRPERSON MARIN: Anything with recycling?

17 Okay. Mr. Washington.

18 BOARD MEMBER WASHINGTON: I'm up to date.

19 CHAIRPERSON MARIN: And so am I. I didn't speak
20 to anybody regarding any of the issues before the Board.

21 Mr. Schiavo, we're going to go into Item Number
22 23.

23 DEPUTY DIRECTOR SCHIAVO: Yes. And this is
24 Failure to Meet SB 1066 Time Extention Plan of Correction
25 and Consideration of Issuance of a Compliance Order for

1 the City of Hermosa Beach in Los Angeles County. And
2 Steve Uselton will present this item.

3 CHAIRPERSON MARIN: Okay. Steve.

4 SUPERVISOR USELTON: Good morning, Madam Chair
5 and Board members.

6 On November 19th, 2002, the Board approved the
7 city of Hermosa Beach's request for an SB 1066 time
8 extension to allow the city until July 31st, 2004, to
9 implement additional programs to reach the diversion goal
10 of 50 percent.

11 After approval of the time extension, the city
12 was required to submit quarterly reports regarding their
13 efforts to implement the programs in the time extension.
14 Through review of franchise hauler data, Board staff has
15 discovered that the quarterly reports provided by the city
16 indicated that certain programs were fully implemented,
17 but were inaccurate. Specifically, that MRF processing of
18 all commercial waste, a key program in the time extension,
19 had not been implemented.

20 For these reasons, Board staff had concerns
21 detailed in the agenda item that the city had not made
22 every effort to reasonably feasibly implement the programs
23 in their Plan of Correction and Source Reduction and
24 Recycling Element during the period of the time extension.

25 In the absence of a good faith effort to

1 implement the programs identified in the time extension,
2 Board staff at the Committee meeting recommended the Board
3 adopt Option 1 and issue the city a Compliance Order.

4 After meeting with the city and providing the
5 city with the 60-day notice to confer on the issuance of
6 the Compliance Order, Board staff was kept informed that
7 the city was working with its hauler to identify suitable
8 alternative commercial programs.

9 An agenda presented to the Hermosa Beach City
10 Council on October 12th indicates that city has approved
11 enhancements to commercial programs. Although the program
12 enhancements are not as described in the city's time
13 extension, the programs identified may enable the city to
14 achieve their diversion goals. Instead of full MRF
15 processing of all the commercial waste, the city will
16 focus on automated collection of commercial recyclables,
17 transformation of these wastes, and adoption of a C&D
18 material diversion ordinance.

19 Based upon testimony at the November 3rd
20 Committee meeting of the Sustainability and Market
21 Development Committee, there was a vote of 2 to 1 to
22 approve Option 3 of the agenda item, in which the Board
23 may find that the city did adequately implement its 1066
24 Plan of Correction and disapprove the attached Compliance
25 Order and allow the city to submit a second time extension

1 within 60 days.

2 Resolution 2004-290, revised, has been provided
3 to the Board reflecting this action taken by the Committee
4 at the November 3rd meeting.

5 This concludes my presentation. There is a
6 representative of the city here today, Mr. Steven Burrell,
7 the city manager for Hermosa beach. And both him or I can
8 answer questions.

9 CHAIRPERSON MARIN: Thank you, Steve.

10 Mr. Paparian, do you want to speak before
11 Mr. Burrell?

12 BOARD MEMBER PAPARIAN: I can wait until after.

13 CHAIRPERSON MARIN: We're going to call on
14 Mr. Burrell to come and say a couple of words.

15 MR. BURRELL: Thank you, Chair. My name is Steve
16 Burrell. I'm the city manager in Hermosa Beach. I
17 appeared last week before the Committee, and following
18 their action would be basically here to support the action
19 that the Committee took in recommending the second
20 extension. And I'd be happy to answer any questions that
21 the full Board may have.

22 CHAIRPERSON MARIN: Thank you, Mr. Burrell.

23 Mr. Paparian, do you have a question?

24 Okay. We will have any deliberations. If there
25 are any questions, we will then address them to you.

1 Oh, you have a question. Ms. Moulton-Patterson.

2 BOARD MEMBER MOULTON-PATTERSON: Not being on the
3 Committee, I was just wondering if you could briefly tell
4 me why you think your city deserves a second extension.

5 MR. BURRELL: Well, when we started the
6 discussion at the Committee meeting, I think that the
7 effort that we've since made -- and I didn't want to make
8 excuses and draw where I think the problems are. There
9 was some issues that we had that are within the city's
10 jurisdiction to solve and are being taken care of at this
11 time.

12 I really do believe that we had a
13 miscommunication as to what the MRF is. I've been to MRF
14 facilities. I've been to some 15, 20 years ago. I've
15 been to the ones that we've had. And I mentioned this at
16 the Committee meeting last week. And I really do
17 believe -- not that we don't know what a MRF is, okay. I
18 think we clearly did. I think we had a communication
19 problem with the staff. And by the time it reached this
20 stage, it brought us here.

21 I don't like the idea of having to be here under
22 these circumstances. I mentioned that last week. I don't
23 think you'll ever see us here again. The actions the City
24 Council has already taken to make this commercial program
25 mandatory -- the rate increase has already been approved.

1 Just waiting for the equipment to arrive.

2 Same with the C&D. It's mandatory. People
3 pulling permits that have since the 15th are doing this on
4 a mandatory basis. It was voluntary for a number of
5 years. I think the other items we'll be back in
6 compliance and these programs back before you in an
7 extension in the time frame that we ask for. And I'm
8 confident that we'll achieve it.

9 The other element I think -- and I took the
10 comments from the Committee members in earnest after the
11 meeting was -- you know, there was really nothing to
12 prevent us from, if we find there's a better way of doing
13 it that isn't listed, that we can go ahead and implement
14 that in the mean time.

15 This morning I had the pleasure of sitting for an
16 hour and a half on the plane with Steve coming up here.
17 And there's a lot of ideas and things that, quite frankly,
18 I haven't been directly involved in for quite a while. I
19 think we can solve this, because it isn't just to achieve
20 the reporting requirements. I really want to achieve the
21 goal. Our community really wants to. There's been a
22 number of other efforts that we've taken that go along
23 that. And I just don't think we're going to have any real
24 difficult issue meeting it and would like the chance to
25 show you that.

1 BOARD MEMBER MOULTON-PATTERSON: Thank you.

2 CHAIRPERSON MARIN: Okay. Mr. Paparian.

3 BOARD MEMBER PAPARIAN: Yeah. Thank you, Madam
4 Chair.

5 I was the member who felt that we should go with
6 the staff recommendation on this. There were a couple of
7 interesting aspects to this. One is that there was --
8 this is one we couldn't really do much about. But the
9 city did present information to the Board that turned out
10 to be inaccurate. And according to the city, it was
11 because the consultant they were using was submitting
12 information to them about programs being implemented, and
13 in fact, were not implemented. The consultant should have
14 known better. That was interesting. There's not much we
15 can do to reach out and in any way sanction that
16 consultant.

17 But the fact that the city did not adequately
18 meet its 1066 requirements, that is something that is
19 before us. And when I look back at what the Board has
20 done on 1066 in the past, one of the things the Board was
21 concerned about was there be some consistency in how we
22 apply the different levels of sanctions that might be
23 possible or different extensions that might be possible.

24 And in July of 2003, the Board gave staff very
25 clear direction about what to do in different types of

1 circumstances. And I believe the staff applied that
2 direction to this item in determining which was the best
3 way to approach their own recommendation. And that was
4 reflected in their recommendation, that the Board approve
5 the Compliance Order. That was fully consistent with the
6 general direction the Board has given in the past about
7 where to slot these things depending on the circumstance.

8 So I think, you know, for consistency purposes as
9 well as for the substance of what's before us, it's my
10 recommendation that we go with the original staff
11 recommendation and the original motion rather than the
12 revised one.

13 CHAIRPERSON MARIN: Ms. Peace.

14 BOARD MEMBER PEACE: You said that the consultant
15 was less than accurate in their reporting. Was that, do
16 you think, because of a miscommunication, or were they
17 actually falsifying reports, knowingly falsifying reports?
18 Is there a feeling on that?

19 SUPERVISOR USELTON: Is that directed to staff or
20 the city?

21 BOARD MEMBER PEACE: I'd like to hear from both.

22 SUPERVISOR USELTON: The city can go first.

23 MR. BURRELL: It's very interesting to be on this
24 side of things.

25 I don't think it was -- I think it was a

1 miscommunication. I've been to the places that they
2 were -- that the hauler represented. I was taken there.
3 I went myself. I followed trash trucks when I had
4 interested council members that wanted to make sure that
5 the things were being done. So, no. I think it was a
6 miscommunication as far as taking all the commercial waste
7 to the MRF.

8 CHAIRPERSON MARIN: Staff.

9 SUPERVISOR USELTON: In our evaluation, we look
10 at this as an inaccurate statement, and that's essentially
11 just what it is. They had told us that the city -- the
12 specific language that was given to us in the status
13 report. "The city's new franchise hauler is processing
14 all commercial waste through a material recovery
15 facility."

16 BOARD MEMBER WASHINGTON: You say "is
17 processing." Not "will be," but "is processing." You
18 mean present tense?

19 SUPERVISOR USELTON: "Is," present tense. It
20 definitely gave the staff the understanding that the
21 program was in operation.

22 Now, you know, I wouldn't be able to tell you
23 whether that was intentional or not intentional. But the
24 people that we're dealing with, I don't come across, you
25 know, situations where there's a direct lie that they're

1 expecting to get away with, I would hope.

2 I do -- in looking at the time extension, there
3 exists a description of both source separation programs
4 and MRF processing all of the commercial residuals that
5 are left from after the source separation programs. So
6 even in the original application, there was a clear
7 delineation that there are two separate programs that were
8 going to be implemented. And when the city or its
9 consultant reported back on these programs, we did get a
10 very clear definition that this MRF program was in place
11 and, in fact, was achieving results.

12 CHAIRPERSON MARIN: Okay. Mr. Washington.

13 BOARD MEMBER WASHINGTON: Thank you, Madam Chair.

14 And, again, the reason I pulled off Item 24 is
15 because I believe they were both taken up at the same
16 time. And those are some of the concerns I had when I sit
17 and looked at the both requesting time extensions as to
18 the difference.

19 Unfortunately for me, I believe that we ought to
20 do one of two things. Place them both on -- I know we
21 have to deal with them differently. But looking at
22 consistency and what this Board has done with time
23 extensions, we either place both of these -- because for
24 me as a Board member, Inglewood, I can argue the fact
25 that, you know, there's no resource or personnel to

1 assist --

2 CHAIRPERSON MARIN: I understand. But I think
3 that we better just deal first with the item before us and
4 then we'll deal with the 24.

5 BOARD MEMBER WASHINGTON: That's fine. Okay.

6 CHAIRPERSON MARIN: I think we just need to -- on
7 the merits of Hermosa Beach and just on the merits of
8 that. The discussion, if we could just talk about that.
9 Questions, problems, whatever, let's just deal with that
10 city, and then we deal with the other city.

11 Ms. Moulton-Patterson -- Ms. Peace first.

12 BOARD MEMBER PEACE: I just want to say that
13 Steve Burrell had mentioned that there was a communication
14 problem with staff and that he needed to find better ways
15 to implement programs. And, to me, that's exactly what a
16 Compliance Order is supposed to do. It's not a fine. A
17 Compliance Order is something that says you will work with
18 our local assistance staff to help determine gaps in
19 program areas and make recommendations on approving the
20 programs and that you agree to work with the local
21 assistance plan to come up with a plan by February 2005.
22 So it's not like it's a fine. All it is is something to
23 help you find a better way to implement programs.

24 CHAIRPERSON MARIN: Okay. Ms. Moulton-Patterson.

25 BOARD MEMBER MOULTON-PATTERSON: Thank you.

1 I just want to say in this case I know there's
2 lots of reasons and all that. Many cities have certain
3 reasons. But I am going to be supporting staff on this.
4 I think in fairness to all cities and counties, I think
5 it's important that we put the city on compliance. And as
6 Ms. Peace says, this is not punitive. It's not a fine.
7 It's a way for you to get your act together.

8 CHAIRPERSON MARIN: Okay. Mr. Paparian.

9 BOARD MEMBER PAPARIAN: Madam Chair, if there's
10 no other questions, I would like to move the original
11 version -- the non-revised version of Resolution 2004-290,
12 which would be the staff recommendation.

13 BOARD MEMBER WASHINGTON: Second.

14 CHAIRPERSON MARIN: Moved by Mr. Paparian.

15 BOARD MEMBER MOULTON-PATTERSON: Second.

16 CHAIRPERSON MARIN: Seconded by Mr. Washington,
17 actually.

18 On the motion -- let me just say why I voted
19 with -- I was one of the two. And let me just state that
20 just looking at what the city had done taking into
21 consideration that entire list that they had, there were
22 quite a few things they had already actually implemented.
23 If you just looked at that, I figured they had done -- at
24 least on those areas that the plan had called for, they
25 had moved significantly on those issues, that there were a

1 couple more. And I think with the presence of the city
2 manager that showed the commitment from the city, that
3 they were putting all of their effort behind this.

4 And I know that the other members were not here.
5 But, clearly, the sense that I got from Mr. Burrell at
6 that time, it was a very clear, distinct commitment that
7 they were going to not just do what they were calling them
8 to do, but go far and beyond that.

9 And we have met many city managers that come
10 before us. There's a level of commitment when a city
11 sends, you know, a coordinator versus a city manager
12 versus a mayor versus -- you know, it just shows the kind
13 of commitment. And I know of Mr. Burrell's reputation
14 myself. I figured that once he got ahold of this
15 information and he realized that he was in a position
16 where he really didn't want to be representing the city,
17 that he was going to put the weight of his office behind
18 this. And there might have been a miscommunication and
19 certainly not follow through. But he was making a
20 commitment to this Board.

21 That, to me, spoke much more clearly than all the
22 other things, even though it was clear from the chart
23 there were a number of things they had already moved on.
24 And, therefore, I believe that just the extension was
25 sufficient and not necessarily the need for a Compliance

1 Order was required.

2 So I will stand by that vote as well. But I
3 appreciate where all the other members are. It was just a
4 very clear commitment from my perspective. Okay.

5 With that, why don't we call the roll on --
6 Mr. Paparian, you made a motion. It will be on
7 resolution -- the first resolution, not the revised one
8 then.

9 BOARD MEMBER PAPARIAN: Correct. The unrevised,
10 which reflects the staff's recommendation.

11 CHAIRPERSON MARIN: Okay. That was moved by
12 Mr. Paparian and seconded by Mr. Washington.

13 Call the roll, please.

14 EXECUTIVE ASSISTANT JIMINEZ: Moulton-Patterson?

15 BOARD MEMBER MOULTON-PATTERSON: Yes.

16 EXECUTIVE ASSISTANT JIMINEZ: Peace?

17 BOARD MEMBER PEACE: Aye.

18 EXECUTIVE ASSISTANT JIMINEZ: Mulé?

19 BOARD MEMBER MULÉ: No.

20 EXECUTIVE ASSISTANT JIMINEZ: Paparian?

21 BOARD MEMBER PAPARIAN: Aye.

22 EXECUTIVE ASSISTANT JIMINEZ: Washington?

23 BOARD MEMBER WASHINGTON: Aye.

24 EXECUTIVE ASSISTANT JIMINEZ: Marin?

25 CHAIRPERSON MARIN: No.

1 Thank you. You are now placed on compliance, and
2 it will be -- is it 60 days? What is it? Six months?

3 DEPUTY DIRECTOR SCHIAVO: Six months to work with
4 our staff and then put together a plan.

5 CHAIRPERSON MARIN: Thank you.

6 Mr. Burrell, thank you so very much for coming
7 twice. Thank you very kindly.

8 That will take us to Item Number 24.

9 Mr. Washington, you pulled that item.

10 BOARD MEMBER WASHINGTON: Yeah. Thank you, Madam
11 Chair.

12 I think we can deal with this fairly quickly. Is
13 that the same concerns you have with the city of Inglewood
14 by placing them on the compliance, that they didn't have
15 the city manager here?

16 CHAIRPERSON MARIN: No. It was more than that.
17 When you looked at the items that -- the not implemented
18 was much, much bigger than the implemented programs. If
19 you just look at them, if you compare them, there are far
20 many more they had not implemented.

21 Ms. Mulé.

22 BOARD MEMBER MULÉ: If I may, Mr. Washington.

23 One of my concerns with Inglewood versus Hermosa
24 Beach was that Inglewood hadn't even implemented a
25 curb-side program in the 15 years. And that was a major

1 concern to me, was the fact -- and that's what I think
2 Chairwoman Marin is saying. A number of the programs
3 weren't even implemented. And it just didn't seem like
4 there was a commitment to implement them.

5 I mean, we were told there was a hauler that came
6 that bought out the old hauler two years ago and they were
7 working on a contract renewal, if you will. But in the
8 mean time, the hauler could have worked with the city in
9 implementing a number of the programs that were never
10 implemented, even though they were negotiating a new
11 contract. So for me having worked with jurisdictions and
12 franchise agreements, that was of a major concern to me,
13 that they didn't even implement the basic -- you know, a
14 basic curb-side recycling program. So that was my
15 concern.

16 BOARD MEMBER WASHINGTON: I think -- and I
17 certainly support them being put under compliance, because
18 I do think with the staff helping them, it will get them
19 to where they need to be. And, again, all the political
20 things that are happening down in that area with the
21 elected officials, the staff merely works at their mercy.
22 And what happens down there -- so however we need to deal
23 with this. I pulled it off. I don't know if we need to
24 take a vote on this or not.

25 CHAIRPERSON MARIN: It was consent to be on

1 compliance, to get them on compliance.

2 BOARD MEMBER WASHINGTON: That's fine.

3 CHAIRPERSON MARIN: You want to make a motion,
4 Mr. Paparian?

5 BOARD MEMBER PAPARIAN: I'll move approval of
6 Resolution 2004-291.

7 CHAIRPERSON MARIN: Okay.

8 BOARD MEMBER WASHINGTON: Second.

9 BOARD MEMBER MOULTON-PATTERSON: Second.

10 CHAIRPERSON MARIN: Moved by Mr. Paparian,
11 seconded by Ms. Moulton-Patterson.

12 Call the roll, please.

13 EXECUTIVE ASSISTANT JIMINEZ: Moulton-Patterson?

14 BOARD MEMBER MOULTON-PATTERSON: Aye.

15 EXECUTIVE ASSISTANT JIMENEZ: Peace?

16 BOARD MEMBER PEACE: Aye.

17 EXECUTIVE ASSISTANT JIMENEZ: Mulé?

18 BOARD MEMBER MULÉ: Aye.

19 EXECUTIVE ASSISTANT JIMENEZ: Paparian?

20 BOARD MEMBER PAPARIAN: Aye.

21 EXECUTIVE ASSISTANT JIMENEZ: Washington?

22 BOARD MEMBER WASHINGTON: Aye.

23 EXECUTIVE ASSISTANT JIMENEZ: Marin?

24 CHAIRPERSON MARIN: Aye.

25 Thank you.

1 I believe that's all, Mr. Leary, as far as the
2 agenda is concerned.

3 EXECUTIVE DIRECTOR LEARY: Yes, Madam Chair.

4 CHAIRPERSON MARIN: We will be breaking for
5 lunch. After that, Ms. Carter, we will go into closed
6 session.

7 BOARD MEMBER WASHINGTON: Madam Chair, is
8 closed -- is it going to take long, Ms. Carter? Can we
9 just go through closed session so we don't have to come
10 back?

11 CHAIRPERSON MARIN: That will be the pleasure of
12 the Board. How long do you think it will take?

13 CHIEF COUNSEL CARTER: I would guess it would
14 take at least an hour.

15 CHAIRPERSON MARIN: Okay. What's your pleasure?

16 BOARD MEMBER WASHINGTON: I think we should just
17 go into closed session and be done with it.

18 CHAIRPERSON MARIN: What's the Board's pleasure?

19 BOARD MEMBER MOULTON-PATTERSON: That's fine with
20 me. Whatever the majority of the Board wants. I could go
21 either way.

22 BOARD MEMBER PEACE: I would rather go to lunch
23 so we aren't rushed through the special session there.
24 But I can go along with whatever anybody else wants.

25 CHAIRPERSON MARIN: It seems like it will be

1 longer than an hour. We'll take an hour and a half lunch.

2 Ms. Carter, would you tell the audience why we'll
3 be going into closed session.

4 CHIEF COUNSEL CARTER: Thank you, Ms. Chair.

5 We'll going in under Government Code Section
6 11126(e).

7 CHAIRPERSON MARIN: And after that, we will
8 adjourn the Board meeting.

9 Thank you so very kindly. And we will see each
10 other at 1:15. Thank you so very much.

11 (Thereupon the California Integrated Waste
12 Management Board, Board of Administration
13 recessed into closed session at 11:43 a.m.)

14 (Thereupon the California Integrated Waste
15 Management Board, Board of Administration
16 recessed at 2:36 p.m.)

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1 CERTIFICATE OF REPORTER

2 I, TIFFANY C. KRAFT, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing hearing was reported in shorthand by me,
7 Tiffany C. Kraft, a Certified Shorthand Reporter of the
8 State of California, and thereafter transcribed into
9 typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said hearing nor in any
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 15th day of November, 2004.

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